

REMARKS

Claims 1-9 are pending in the application. In the Office action dated June 29, 2007, claims 1-9 were objected to; claims 5, 8, and 9 were rejected under 35 U.S.C. § 112, second paragraph; claims 1-3, 8, and 9 were rejected under 35 U.S.C. § 102(b); and claims 4, 5, 6, and 7 were rejected under 35 U.S.C. § 103(a).

In view of the above amendments, and the following remarks, Applicant requests reconsideration of the rejected claims under 37 C.F.R. § 1.111.

Objections to the Drawings

The drawings were objected to under 37 C.F.R. § 1.83(a), as failing to show every feature of the invention specified in the claims. Specifically, the Examiner asserts that the two or more parallel spring blades recited in claim 6 must be shown or the features canceled from the claim.

In response, Applicant has canceled claim 6, rendering the objection moot. Applicant therefore requests the withdrawal of the objection to the drawings.

Objections to the Claims

Claims 1-9 are objected because of informalities in the claim language. The Examiner has suggested several corrections to the claims. In the interest of furthering the prosecution of the application, Applicant has amended the claims consistent with the Examiner's suggestions.

In view of the above amendments, Applicant requests the withdrawal of the objections to the claims.

Rejections under 35 U.S.C. § 112

Claims 5, 8, and 9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner asserts that the use of the trade name KEVLAR in claim 5 renders the claim indefinite. In response, Applicant has amended claim 5 to recite "high-strength polymer", as suggested by the Examiner. KEVLAR is a well-known synthetic polymer developed by the DuPont Company, and has been in commercial use since the early 1970s. Applicant suggests that the amendment adds no new matter.

Applicant takes this opportunity to amend the specification at page 8, lines 15-20 to render the specification consistent with the amended claim.

In view of the amendment to claim 5, Applicants suggests the claim particularly and definitely recites the claimed invention. As claims 8 and 9 depend from claim 5, Applicant requests the withdrawal of the rejection of claims 5, 8, and 9 under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. § 102

Claims 1-3, 8, and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ordway (U.S. Patent no. 216,753). Applicant traverses the rejection.

In order to anticipate a claim, the cited reference must disclose each and every element of the rejected claim. Claim 1, as currently amended, recites a mobile joint that includes a first and second joint element, where the two joint elements are pivotally connected by a shaft. The mobile joint includes a first and second parallel plate spring, and an intermediate blocking element, so that each plate spring is connected to the first

joint element at a first end, and glidingly abuts the second joint element at a second end. The first and second plate springs have an axis of rotation that is displaced in relation to each other and to the shaft.

The Examiner asserts that the joint of Ordway includes all the element of the claimed mobile joint. However, Applicant respectfully disagrees.

Ordway shows an oscillating chair where the legs of the chair are formed as two supporting frames **a** (see col.2, lines 6-7). The seat and back of the chair are provided with two chair frames **e** (see col. 2, lines 10-11). The supporting frames **a** are connected to the chair frames **e** by flexible connecting links **f** (see col. 2, lines 13-17). Braces **b**, **b'** and **b''** serve to connect the two supporting frames **a** to each other, and as stop elements for the chair frames (see col. 2, lines 8-9 and 19-20). The supporting frames **a** and chair frames **e** are connected by flexible connecting links **f** allowing the chair frame to oscillate forward and backward with respect to the supporting frame, and within the travel limits imposed by stop elements **b'**, **b''**, **b'''**.

The Examiner asserts that the first and second joint elements of Ordway are supporting frames **a** and chair frames **e**. However, frames **a** and **e** are not pivotally connected by a shaft, as recited in claim 1. The Examiner suggests that brace **b'** corresponds to the shaft, but Applicant suggests this is inappropriate.

As shown in the Figures 1-3 of Ordway, supporting frames **a** and chair frames **e** are connected only by connecting links **f**. The body of the chair is suspended from the supporting frames **a**, and it is only via the flexibility of links **f** that the seat can be reciprocally moved. The brace **b'** clearly cannot be a shaft pivotally connecting the two joint elements, as **b'** is fixed and does not pivot, and even if **b'** were to pivot, the

resulting motion would not result in pivotal motion between **a** and **e**, because brace **b'** does not make contact with frame **e** unless and until linkage **f** is flexed sufficiently that **b'** becomes useful as a stop. This does not constitute a pivotal connection.

Additionally, claim 1 recites that the mobile joint includes a first and second parallel plate spring, with first and second ends, and an intermediate blocking element. The Examiner asserts that flexible links **f** are parallel plate springs. However, as shown particularly in Figures 2-3, links **f** share a common plane, and so are clearly not parallel. Furthermore, the Ordway reference defines links **f** as flexible connecting links, intended to replace the springs in a conventional rocking chair. They "may be made of wood, metal, woven wire, or fibrous or textile material" (see col.1, lines 22-25). Applicants suggest that calling such an assembly a "plate spring" is somewhat disingenuous.

The Examiner suggests that chair frame **e** corresponds to the "intermediate blocking element" of claim 1. In the mobile joint recited in claim 1, the blocking element is intermediate the first and second parallel plate springs. However, although frame **e** is intermediate the first and second parallel plate springs. However, although frame **e** can be considered to be "intermediate" the two flexible links **f**, it is clear that frame **e** itself is not configured for "blocking" either of the linkages **f**, earlier identified as the parallel plate springs by the Examiner: Stop **b''** cannot make contact with linkages **f** because linkages **f** are fixed outside of frame **e**; similarly, stop **b'''** cannot make contact with linkages **f** because frame **e** lies between stop **b'''**. Applicant suggests that chair frame **e** cannot function as the intermediate blocking element of claim 1.

In order to be anticipatory, the prior art must disclose each and every element of the claim, and the elements must be arranged as required by the claim. Applicants suggest that the Ordway reference fails to disclose each and every element of the

claimed mobile joint, and fails to disclose any arrangement of components that corresponds to the claimed mobile joint.

In view of the above remarks, Applicant respectfully requests the withdrawal of the rejection of claim 1 under 35 U.S.C. § 102. As claims 2, 3, 8, and 9 depend from claim 1, Applicant suggests they are similarly not anticipated by Ordway.

Rejections under 35 U.S.C. § 103

Claims 4, 5, and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ordway in view of Okano (U.S. Patent no. 5,775,774).

The Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the mobile joint of Ordway so that the springs were made of fiberglass and reinforced by carbon, such as the mobile joint disclosed by Okano, as such springs could be custom-made and provide desired zones of flexibility. Applicant traverses the rejection.

The Examiner asserts that Ordway discloses a mobile joint that is basically the same as that recited in instant claims 4, 5, and 7. Applicant has shown above that Ordway fails to describe any joint that corresponds to the mobile joint of claim 1, as described and claimed.

The Examiner asserts that the Okano reference shows a mobile joint similar to that of Ordway, only having a spring made of fiberglass and reinforced with carbon. Applicant respectfully disagrees. The chair of Ordway employs a suspension mechanism, where the weight of the chair occupant applies a stretching force on the connecting links f. The chair of Okano employs a more conventional spring which is flexed by a force applied downward onto the spring plate 64.

In addition, the Ordway reference is directed to an oscillating chair, which is directed forward and backward, while the spring-loaded mechanism of the Okana chair is directed to tilting the seat of the chair. The chair of Ordway is specifically distinguished over conventional rocking chairs that include compressive springs that "generally grow weaker as the weight upon the chair increases" (col. 1, lines 26-37). A skilled artisan would not combine the Ordway and Okano references, as the references are directed to very different mechanisms, and further as Ordway teaches against the use of compressive springs. Where the proposed modification would alter the principle of operation of a reference, there can be no motivation to combine.

Furthermore, such a hypothetical combination would not permit tilting of the seat of Ordway, contrary to the explicit disclosure of Okano, which is directed to a tilt mechanism. Where the proposed modification destroys the utility of a reference, there can be no motivation to combine the references.

Applicant suggests that the Examiner has failed to establish the *prima facie* obviousness of the rejected claims, as the cited references fail to disclose each and every element of the claims, and as the references fail to provide a suggestion or motivation to combine the disclosures as suggested by the Examiner.

However, even if the references were to be combined, one of ordinary skill in the art would not arrive at the mobile joint of the rejected claims, as the spring elements (of Okana) would necessarily be arranged as two separate springs connected to two separate pairs of joint elements or frame parts (as disclosed by Ordway). Furthermore, the linkages of Ordway are not capable of being adjusted, as they form the supporting

connection between the two joint elements and are rigidly connected at the upper ends to frame **a'**, and at the lower ends to frame **e'**, respectively.

Furthermore, as Ordway describes an oscillating chair where the rocking system is integrated in the base, the hypothetical resulting mobile joint would necessarily be integrated in the supporting frame of the chair, but not in the seat of the chair, as disclosed by Okana.

For at least these reasons, Applicant suggests that claims 4, 5, and 7 are not rendered obvious by the Ordway and Okana references, and he requests that the rejection of those claims under 35 U.S.C. § 103 be withdrawn.

The Examiner asserts that the recitation of "means of carbon" in claim 5 fails to invoke 35 U.S.C. § 112, sixth paragraph. In response, Applicant has amended claim 5 to delete the reference to "means".

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ordway in view of Papst (U.S. Patent no. 2,828,801).

In view of the cancellation of claim 6, Applicant suggests that this rejection is rendered moot.

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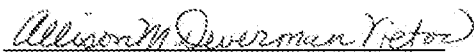
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Applicant believes that this application is now in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

CERTIFICATE OF E-FILING

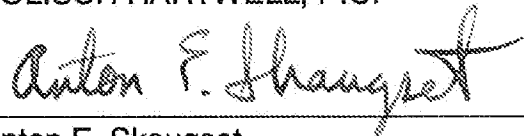
I hereby certify that this correspondence is being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on September 28, 2007.



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Respectfully submitted,

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